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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2813 OF 2006

Shirish Chandrakant Shah ... Petitioner

Vs.

The Securities and Exchange Board of India & Anr. ... Respondents

Mr. S.R. Chitnis, senior counsel with Mr. S. Karu for the petitioner.

Mr. S.H. Doctor, senior counsel with Ms. Sabeena Mahadik and Mr. Rama Rao i/b S.R. Legal for respondent 1.

Ms. A.S. Pai, A.P.P. for the State.

CORAM : SMT. RANJANA DESAI & D. B. BHOSALE, JJ.

DATED : 2ND APRIL, 2007.

P.C.:-

1. In this petition, the petitioner has prayed that the proceedings relating to Criminal Complaint No.256/SW of 2006 pending before the Special SEBI Court, Kurla, Mumbai, be quashed.

2. We have heard Mr. Chitnis, the learned counsel for the petitioner. Mr. Chitnis stated that the complaint is barred by law of limitation and it deserves to be quashed. In our opinion, the question whether the complaint is barred by law of limitation is a mixed question of law and fact. Hence, it will not be possible for us to decide it in our writ jurisdiction. The present petition,

therefore, cannot be entertained. However, it will be open to the petitioner to raise this point before the trial court at the appropriate stage. Needless to say that if this question is raised, the trial court shall deal with it in accordance with law. All contentions raised in the petition including the point of limitation are kept open. Petition is disposed of.

[SMT. RANJANA DESAI, J.]

[D. B. BHOSALE, J.]